

MINUTES
SANDY CITY COUNCIL MEETING
Sandy City Hall - Council Chamber Room #211
10000 Centennial Parkway
Sandy, Utah 84070

August 26, 2008

Meeting was commenced at 7:00 p.m.

PRESENT:

Council Members: Chairman Scott Cowdell, Vice Chairman Steve Smith, Bryant Anderson, Steve Fairbanks, Chris McCandless, Linda Martinez Saville, and Dennis Tenney

Mayor: Tom Dolan

Others in Attendance: CAO Byron Jorgenson; City Attorney Walter Miller; Community Development Director Mike Coulam; Public Utilities Director Shane Pace; Deputy to the Mayor John Hiskey; Planning Director James Sorensen; Zoning Administrator Brian McCuistion; Police Chief Stephen Chapman; Council Office Director Phil Glenn; Council Executive Secretary Wendy Densley

ABSENT/EXCUSED:

1. OPENING REMARKS/PRAYER/PLEDGE:

The Prayer was offered by Boy Scout Landon Dunn of Troop #806, and the Pledge was led by Brantley Topham, also of Troop #806.

2. CITIZEN(S) COMMENTS: [7:02:32 PM](#)

a. Kate Greenwood Smith, 10878 South Balm Place, asked about the proposed animal ordinance committee that was mentioned during the public hearing held on July 15, 2008.

Chris McCandless reported that they have been meeting continually on this ordinance. Four people have been selected to serve on this committee, two veterinarians, a trainer, and a citizen.

PUBLIC HEARING(S):

3. Table of Minimum Setbacks in CBD Zoning District [7:05:51 PM](#)

Public Hearing to consider the following: the Sandy City Planning Commission wished to consider a zero rear yard setback for parking structures that are placed behind the main building, or for manufacturing used within the CBD Zoning District after reviewing a list of criteria.

Discussion:

Brian McCuistion reviewed the Code Amendment to Amend Section 15-04-02(B) Table of Minimum Setbacks in CBD Zoning District, Title 15, Land Development Code, Revised Ordinances of Sandy City.

BACKGROUND

Mr. Scott Westra, representing Workers Compensation Fund, has filed a request to amend Section 15-04-02(A) 15-04-02(B), Table of Minimum Setbacks in CBD Zoning District, Title 15, Land Development Code, Revised Ordinances of Sandy City. The purpose of the Code Amendment is to consider allowing a zero (0) rear yard setback for parking structures within the CBD Zoning District. The proposed changes have been attached as Exhibit "A".

PROPOSAL

It is proposed to make some modifications to the rear yard setback within the CBD Zoning District related to parking structures. Currently, the Land Development Code requires a twenty (20) foot rear yard setback. The applicant has submitted a letter requesting this change based upon the fact that the Central Business District is becoming more urbanized with new development projects. The applicant states that the required twenty (20) foot setback may serve to create unusable, unsightly and unsafe

areas between large buildings.

ZONING HISTORY

The City Council approved the CBD along with the two sub-districts in February 1991 (Ordinance #91-14). The purpose of the CBD was to stimulate economic development by providing a unique planning environment for large scale regional commercial and office development adjacent to Interstate 15. This district encourages creative development and site design for regional commercial and office uses which will serve the south valley area.

NON-CONFORMING USES

This Code Amendment would not create any non-conforming situations since the Code Amendment would allow flexibility on future development projects.

LAND DEVELOPMENT CODE PURPOSE COMPLIANCE

The Sandy City Land Development Code in §15-01-03 lists the nine criteria explaining the intent and purpose of the Ordinance. The purpose and criteria are:

15-01-03 Purpose

This Code shall establish Zone Districts within Sandy City. It shall provide regulations within said districts with respect to the use, location, height of buildings and structures, the use of land, the size of lots, yards and other open spaces, and the density of population. This Code shall provide methods of administration and enforcement and provide penalties for the violation thereof. It shall establish boards and commissions and define their powers and duties. It shall also provide for planned development within Sandy City. Specifically, this Code is established to promote the following purposes:

General

1. To enhance the economic well-being of Sandy City and its inhabitants;
2. To stabilize property values;
3. To facilitate adequate provision for transportation, water, sewage, schools, parks and other public requirements;
4. To facilitate the orderly growth and development of Sandy City;

Implementation of General Plan

5. To coordinate and ensure the execution of the City's General Plan through effective implementation of development review requirements, adequate facility and services review and other goals, policies or programs contained in the General Plan.

Comprehensive, Consistent and Equitable Regulations

6. To establish a system of fair, comprehensive, consistent and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.

Efficiently and Effectively Managed Procedures

7. To promote fair procedures that are efficient and effective in terms of time and expense;
8. To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed and elected officials; and
9. To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.

The proposed Code Amendment will create consistency and equitable standards under which current and future developments within the CBD District will be evaluated.

GENERAL PLAN COMPLIANCE

The City Council adopted the Sandy City Downtown Illustrative Master Plan in July 2002. This document was prepared to guide the future development of the Central Business and Commercial District in Sandy.

The plan provides a number of recommendations for the development within the downtown area. The majority of our CBD District is in the area titled "Entertainment/Business District" in the Master Plan. One of the commercial recommendations is to allow for a corporate campus. The Master Plan also recommends that parking be located within the sides and rear of the buildings in order to reduce traffic impacts and potential conflicts with pedestrians.

The applicant is proposing to develop this property as their headquarters and create a campus. The proposed parking structure is also to the rear of the main building. This proposed Code Amendment will help utilize their property in the most efficient manner.

OTHER

The applicant has submitted some proposed language for the Code Amendment. However, the language that they have submitted is related to any building or structure that is built along a shared property line, with a provision that a deed restriction be attached to the properties binding all future developers and property owners to the change. The planning staff is comfortable with modifying the existing language to address parking structures only, not all structures. The planning staff would propose that the Planning Commission may approve a zero rear setback after reviewing a number of factors which include:

1. Height and configuration of parking structure.
2. Relationship to other buildings on site and adjoining properties (present and future).
3. Natural land features such as slopes and vegetation.
4. Physical features such as rail lines, canals, and controlled ingress and egress.
5. Location of any Public Utility Easements.
6. Visibility from vehicular approaches.

After reviewing the above mentioned factors, the Planning Commission would have a better understanding of what kind of impact a parking structure would have on adjacent properties.

STAFF RECOMMENDATION

The Community Development Department respectfully requests that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance amendment as shown in exhibit "A", attached, for the following reasons:

1. Compliance with the Purpose of the Land Development Code by creating consistency and equitable standards under which current and future developments within the CBD District will be evaluated.
2. Compliance with the Goals and Policies of the General Plan by using the CBD Zone as an area to create corporate campuses and also by locating the parking within the rear of the main buildings to reduce traffic and enhance pedestrian safety.

Chairman Cowdell opened the public hearing; there were no comments and the hearing was closed.

Bryant Anderson asked how two buildings next to each other which want zero setback would be joined, and if the subject of footings have been addressed.

Brian McCuistion said that it would be looked at in site plan review, this proposal is for parking structures only, and manufacture uses. The footings issue would be with the building design, they would have to meet building code.

Wally Miller reported that even with the zero setbacks, they would have to follow the building code.

Mike Coulam said that the issue of footings is addressed in the building code.

Dennis Tenney said he is comfortable with the recommendations of the Planning Commission.

Stephen Smith asked if this would apply to the sub districts in the CBD zone. If that is the case, what is the advantage of making the zone change instead of having the owners going through a variance process?
[7:10:37 PM](#)

Brian McCuistion explained that during the planning commission meeting it was discussed how much this would be used by other properties. This strictly applies to the parking structures and manufacturers.

Mike Coulam said the Boards of Adjustment have to apply State Statute and code criteria to grant a variance. With this particular circumstance they couldn't do that. He said the Community Development Department has looked into this issue and feels this is the way to approach it.

Stephen Smith said that in the notes that were received in the Council packet it was indicated that Max Burdick asked a question on how to involve adjacent property owners in the process. It was indicated that it would be part of the public hearing process.

Brian McCuistion reported that Commissioner Mansell brought up this question. The Planning Commission would consider the relationship to other buildings on site and adjoining properties (present and future). The thought was that having this criteria would force applicants to talk to adjacent neighbors about present and future plans.

Chris McCandless said that he would like this to be expanded to all CBD zones and sub zones. He feels that a ten (10) foot strip between a property line and a parking area creates dark areas and safety hazards.

Motion: **Dennis Tenney made a motion to have formal paperwork brought back to adopt the minimum setback requirements in the CBD Zoning District as recommended by Staff and Planning Commission.**

Second: **Stephen Smith**

Vote: **Smith – Yes, Anderson- Yes, Fairbanks- Yes, McCandless- Yes, Tenney- Yes, Saville- Yes, Cowdell- Yes**

Motion Approved: All members voted yes.

4. Intent to Annex: 3060 Deer Hollow Drive [7:17:06 PM](#)

The Sandy City Council has adopted a resolution indicating its intent to annex an unincorporated area, located at approximately 3060 Deer Hollow Drive, into the municipality of Sandy City. The City Council will annex the area unless written protest to the annexation are presented at the public hearing, or are filed by 5:00p.m. on the day of such hearing with the Sandy City Recorder, Suite 311, Sandy City Hall, 10000 Centennial Parkway, Sandy, Utah by the owners of private real property that: a) is located within the area proposed for annexation b). covers a majority of the total private land area within the entire area proposed for annexation; and c) is equal in value to at least ½ the value of all private areal property within the entire area proposed for annexation. It is proposed to annex this property to the City with the R-1-20A Zone (single family residential on a minimum 20, 000 square foot lot with animal rights). The Planning Commission and City Council may consider approving a density that is either higher or lower than the proposed R-1-20A Zone.

Discussion:

James Sorenson gave a presentation on the proposed annexation at 3060 E Deer Hollow Drive. He also reported that one of the original petitioners has asked to be taken off of the proposed annexation.

BACKGROUND

Mr. David Huston is requesting annexation for properties located at approximately 3060 East Deer Hollow Drive. The area under consideration for annexation comprises approximately 8.26 acres. The applicant is

proposing to annex these properties into the City and is requesting the R-1-20A Zone (single family residential on a minimum of 20,000 square foot lots with animal rights). The proposed annexation includes 5 parcels with 3 separate owners who have all requested annexation.

The subject property is bordered on the north and east by large lot properties in Salt Lake County. To the west across Dimple Dell Road are large lot properties in Salt Lake County. To the south is an (R-1-20A) subdivision in Sandy City.

ANALYSIS

The annexation is being considered by the City for the following reasons:

1. The area is contiguous to the Sandy City boundary (south).
2. The property is located within an area designated in the Sandy City General Plan for incorporation.
3. The City is presently providing culinary water service and fire service to this area.
4. The City can provide a high level of other municipal services to this property.

General Plan

Portions of the Sandy City General Plan which relate to this application are as follows:

p.43 Recognize that economics alone is not sufficient reason to alter established neighborhoods. Human and environmental impacts also should be recognized.

p.44 Require proposed zoning changes to be in harmony with established neighborhoods.

Zoning

The subject property is currently zoned R-1-43 in Salt Lake County. This zone allows single family dwellings on minimum 43,560 square foot lots with animal rights. Currently, in Salt Lake County four horses are allowed per half acre.

The existing City zoning in the area includes R-1-20A to the south. The requested zoning for the subject property is R-1-20A. All new proposed subdivisions would need to comply with the 20,000 square foot minimum requirement for a standard subdivision and may also be subject to the requirements of the Sensitive Area Over-lay Zone. Review and approval of new proposed subdivisions will be subject to the City Council review and adoption of the annexation request.

STAFF RECOMMENDATION

It is recommended that the Huston Annexation be approved and zoned R-1-20A based upon the following findings:

1. The area is contiguous to the Sandy City boundary (south).
2. The property is located within an area designated in the Sandy City General Plan for incorporation.
3. The City is presently providing culinary water service and fire service to this area.
4. The City can provide a high level of other municipal services to this property.
5. R-1-20A Zone is appropriate for the property based upon surrounding zoning and land uses.

Planning Commission recommended annexation but with the R-1-40A Zone.

David Huston, the petitioner, 3060 Deer Hollow, said that the Granite Community Council feels that Sandy City cannot govern this area as well as Salt Lake County has. He feels that the County isn't equipped to provide long term services to the unincorporated areas in the Salt Lake Valley. He would like to annex into Sandy City and is against any township status. He said that there were some concerns that rezoning this property would

compromise the quality of life in the neighborhood. They argued that this is an establish community and any development would block views and damage the wild life corridor. He said there was speculation by some that the property would be developed into sixteen lots. He said this was untrue. He supports the recommendation by the Planning Commission and Staff. [7:21:30 PM](#)

Chairman Cowdell opened the public hearing. [7:28:25 PM](#)

- a. **Rob Alston**, 10575 Dimple Dell Road, reported that he is a member of the Granite Community Council. As a member of that council, he would like to voice their opposition to annexations in the Granite area. As a homeowner in the area, he understands that there is no subdivision application before the council now. He feels it is speculative about what will happen in the future. He is against the zoning of this property. He feels that a change in the zoning will change the area and detract from the uniqueness of the neighborhood.
- b. **Mike Menlove**, 3160 East Deer Hollow Drive, said that most people that he has talked to in the area would like to be annexed into Sandy. He is in favor of the annexation, but would like to keep the size of the lots to one acre. He would like to have the R-1-40A zone.
- c. **Jim Holden**, 3131 Deer Hollow Drive, doesn't feel it's practical to subdivide this neighborhood.
- d. **Brad Saline**, 10721 South Hidden Ridge Lane, feels that there are a lot of homes in the area which have beautiful views. He would like to keep the zoning at the R-1-40, keeping the minimum size to one acre.
- e. **Boyd Summerhayes**, 2935 East Dimple Dell Road, feels that the smaller the lots are made the more problems that are created. He would like to keep the zoning as R-1-40.
- f. **Sherry Alston**, 10575 Dimple Dell Road, feels that leaving it at R-1-40 doesn't affect the applicant's ability to divide his property. She would like it left how it is.
- g. **Scott Toldstone**, 10664 South Hidden Ridge Lane, feels that half acre lots will cause problems for horse owners. He feels that it is a unique place and a wildlife corridor. He is against the zone change.
- h. **Hal Hudson**, 3195 East Deer Hollow, has lived in the area in 15 years. He is against the annexation.

Chairman Cowdell closed the public hearing

McCandless asked Mike Coulam if the City currently had an R-1-30 Zone.

Mike Coulam said that he recollected no existing R-1-30 in Sandy right now.

Chris McCandless asked whether once the application has been submitted can a parcel be withdrawn from annexation consideration. He also asked about the zoning conditions. He asked if it was possible to approve the annexation then put some restrictions on a lower square footage zoning to limit the number of units per acre.

Walter Miller said that the configuration of the annexation could be changed as long as it stays within the noticed boundary. He said with this annexation, what is important is how many written protests from people (part of the annexation) are filed to determine whether this annexation can be passed or not. It could be possible to construct some unit restrictions.

Chris McCandless said he would speak against the R-1-20 Zone unless something could be created to limit the number of units. He would like to table this issue and continue this discussion later.

Stephen Smith echoed Mr. McCandless's recommendation to approve the annexation at the R-1-40 Zone. He

would support the annexation, but would like to keep the property zoned R-1-40A. [7:50:11 PM](#)

Dennis Tenney asked Mr. Huston if he would be willing to accept the annexation if the Council approved the R-1-40A Zone.

Mr. Huston said that he would be able to work with Sandy on such zoning.

Dennis Tenney asked if Mr. Huston would be amenable to some sort of compromise similar to what Mr. McCandless had suggested.

Mr. Huston felt there is some merit in what was suggested. Dale Russ, the other property owner would also need to be involved.

Dennis Tenney said that there is a responsibility as a City to control development on its boundaries. He feels that a way needs to be found to accept the annexation into the City, while respecting the rights of the property owners. He feels that this can be accomplished in a way that would address the concerns of the neighbors. He would like to recommend remanding this back to Planning Commission and Staff with a request to have the applicant work with Staff to see if there is a zone that would be appropriate, and to also preserve the wildlife corridor.

Bryant Anderson doesn't think it is the desire of Sandy or the City Council to change the rural atmosphere of the Granite community. He feels that there needs to be more discussion on this annexation. He likes the suggestion of a possible compromise to help preserve the area.

Steve Fairbanks asked if anyone knew what Dale Russ' intentions were with his property.

Jim Davidson, 10743 South Wasatch Blvd, said he talked to Dale Russ today and said Mr. Russ was going to withdraw his petition.

Steve Fairbanks feels that a guy who owns the property has the right to do with his property what he wants as long as it fits within reasonable guidelines and ordinances. He would be opposed to do anything different than what has been asked by the applicant.

Scott Cowdell allowed a lady from the audience to speak to the Council.

Diane Saline, 10721 Hidden Ridge, asked if the City Council physically visited the said property.

Scott Cowdell reported that the Council is familiar with the property and the Planning Commission takes tours of property subject to official city actions.

Mike Coulam corrected himself saying that the City already has an existing R-1-30 Zone that was applied to the Bell Canyon area years ago.

Scott Cowdell said that he would like to annex the property at the R-1-40 Zone. [8:04:42 PM](#)

Phil Glenn said that Mr. Miller pointed out that the public hearing notice allowed the Planning Commission and Council the prerogative to approve a zone of R-1-20A or of lower density. The Council could refer this matter back to Staff to have them do an analysis to see whether an alternative could be acceptable to the Council and the petitioner.

Motion: **Chris McCandless made the motion to remand the Huston Annexation back to the Planning Commission to consider the R-1-20 Zone with the zoning condition that they only allow 3 units total on the applicant Huston's property.**

Second: **Linda Saville**

Substitute Motion:

Dennis Tenney made a substitute motion to remand this back to Staff to discuss with the applicant and neighborhood representatives the possibility of the R-1-30 Zone, with Staff coming back 2 weeks from tonight, September 9th, at 5:00 p.m., with a formal recommendation for a possible solution.

Second: Steve Fairbanks

Question on the motion:

Chris McCandless asked what the allowable density was for the R-1-30 Zone.

Mike Coulam said it would be one unit on 30,000 square feet, or about 2/3 of an acre. He said that the applicant would be willing to accept the R-1-30 Zone.

Vote: Anderson – Yes, Smith – No, McCandless – Yes, Fairbanks – Yes, Tenney – Yes, Saville – Yes, Cowdell – No.

Motion Approved: 5 members in favor, 2 opposed.

5. Procedures for Development in CBD, CBD-O, and CBD-P Districts [8:15:02 PM](#)

A Public Hearing to consider the following: amend Title 15, Land Development Code, Revised Ordinances of Sandy City regulating the CBD Zones by creating a new Central Business District “Arts and Culture” Zone. It is proposed to modify regulations regarding land coverage, uses, architectural design and material, landscaping, parking areas, building setbacks, and building heights for development within the CBD, CBD-O, and CBD- A&C Zoning Districts. This rezone will affect approximately 12 acres. The Planning Commission will make recommendations concerning the proposed Code Amendment and Rezoning and forward them to the City Council.

Discussion:

Brian mccuistion gave a brief presentation on the Code Amendment to the CBD, CBD-O and CBD-P Zone Districts.

BACKGROUND

Mr. Russell Platt, representing Lloyd Platt Associates Architecture, has filed a request to amend Title 15, Land Development Code, Revised Ordinances of Sandy City regulating development within the CBD Zones. The purpose of the Code Amendment is to consider modifications to regulations regarding development within the CBD, CBD-O, CBD-P Zoning Districts. Also included with this Code Amendment is the creation of the new CBD-A&C (Central Business District - Arts and Culture) Zoning District.

The Planning Commission reviewed a previous Code Amendment on June 5, 2008. The previous Code Amendment gave the Planning Commission discretion on approving building height in the CBD-O Zone, Planning Commission members forwarded a positive recommendation to the City Council, who reviewed this request on July 1, 2008. This item was tabled at that meeting, and the City Council arranged for a joint meeting with the Planning Commission and staff on July 17, 2008.

Upon the direction given at the joint meeting, staff has made some revisions to the proposed Code Amendment. The original thought was to alter the existing building height within the CBD-O and CBD-P Zones from ten stories to fifteen. That is still under consideration. However, staff is not proposing this change at the present time. The City is in the process of working with a transportation planning consultant to review the City’s Master Transportation Plan. This plan will include a review and update of the downtown civic center area. Once the study is done, staff will have a better idea of what kind of density our downtown can support and the effect of 15 story buildings on that density and the associated traffic generated by taller buildings.

Exhibit “A” includes adding the newly created CBD-A&C Zone to the table of maximum building heights and building setbacks. Exhibit “B” includes proposed Staff changes to all developments within the CBD Zones as well as the regulations associated with the new CBD-A&C Zone.

Exhibit “C” includes changes to the land use matrix. This exhibit indicates what land uses are allowed in the CBD-A&C Zone.

The CBD-A&C sub-district requires that a developer present a Master Conceptual and Phasing Plan to both the Planning Commission and City Council at the time the property is requested to be rezoned. This sub-district does allow a developer to build higher than 140 feet, as long as they comply with a number of different requirements as presented in the proposed Code Amendment. This sub-district has regulations associated with building setbacks, building height, building articulation, lot coverage, private street improvements, and parking stall dimensions.

PROPOSAL

It is proposed to make some modifications to regulations regarding land coverage, residential uses, architectural design and materials, landscaping, parking areas, building setbacks, and building heights within the CBD Zoning Districts.

The creation of the new CBD-A&C District will aid in the development of the proposed Proscenium project located at approximately 10100 South Centennial Parkway. Staff is proposing a new zone for this development because it is such a unique project to our Central Business District.

It is also proposed that the property located at approximately 10100 South Centennial Parkway be rezoned from the CBD-O and CBD-P to the new CBD-A&C Zoning District.

ZONING HISTORY

The City Council approved the CBD along with the two sub-districts in February 1991 (Ordinance #91-14). The purpose of the CBD was established to stimulate economic development by providing a unique planning environment for large scale regional commercial and office development adjacent to Interstate 15. This district encourages creative development and site design for regional commercial and office uses which will serve the south valley area.

NON-CONFORMING USES

This Code Amendment would not create any non-conforming situations since the Code Amendment would allow flexibility on future development projects.

LAND DEVELOPMENT CODE PURPOSE COMPLIANCE

The Sandy City Land Development Code in §15-01-03 lists the nine criteria explaining the intent and purpose of the Ordinance. The purpose and criteria are:

15-01-03 Purpose

This Code shall establish Zone Districts within Sandy City. It shall provide regulations within said districts with respect to the use, location, height of buildings and structures, the use of land, the size of lots, yards and other open spaces, and the density of population. This Code shall provide methods of administration and enforcement and provide penalties for the violations thereof. It shall establish boards and commissions and define their powers and duties. It shall also provide for planned development within Sandy City. Specifically, this Code is established to promote the following purposes:

General

1. To enhance the economic well-being of Sandy City and its inhabitants;
2. To stabilize property values;
3. To facilitate adequate provision for transportation, water, sewage, schools, parks and other public requirements;
4. To facilitate the orderly growth and development of Sandy City;

Implementation of General Plan

5. To coordinate and ensure the execution of the City's General Plan through effective implementation of development review requirements, adequate facility and services review and other goals, policies or programs contained in the General Plan.

Comprehensive, Consistent, and Equitable Regulations

6. To establish a system of fair, comprehensive, consistent, and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.

Efficiently and Effectively Managed Procedures

7. To promote fair procedures that are efficient and effective in terms of time and expense;
8. To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed and elected officials; and
9. To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.

The proposed Code Amendment will create consistency and equitable standards under which current and future developments within all of the CBD Districts will be evaluated.

GENERAL PLAN COMPLIANCE

The City Council adopted the Sandy City Downtown Illustrative Master Plan in July 2002. This document was prepared to guide the future development of the central business and commercial district in Sandy. The plan provides a number of recommendations for the development within the downtown area. One of the main focuses of the recommendations is to encourage mixed-use developments that include commercial office, retail, residential, and entertainment within the Central Business District.

One of the commercial retail recommendations include "Retrofit or replace single use/single story retail developments throughout the district with better integrated and higher density mixed-use developments that include commercial office and/or residential uses on upper floors". Although the Proscenium project is not retrofitting or replacing a single story or single use building, a mixed-use development will offer a mix of retail, office, entertainment, and residential uses. The commercial office recommendations include "Encouraging transit ridership programs for commuting employees". The proposed project will be able to take advantage of public transit due to the fact that the site will be within walking distance to both a commuter train station (future) and existing TRAX and bus station.

One of the residential recommendations states "Focus new central business district residential development around Centennial Parkway to increase evening activity and maximize the use of the valuable community resource". The proposed project will bring new residential units to the Central Business District as well as a number of entertainment sources that will bring much needed evening activity to this area to act synergistically with already existing land uses and add to the walkability of the project area.

The proposed CBD-A&C Zone will help facilitate the development of a unique mixed use development that was recommended by the Sandy City Downtown Illustrative Master Plan. As part of the request for the rezone, the applicant has submitted a Master Conceptual and Phasing Plan for this project. It appears that the plans submitted are in compliance with both the Sandy City Downtown Illustrative Master Plan as well as the requirements for the new CBD-A&C Zone.

STAFF RECOMMENDATION

The Community Development Department requests that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance amendment as shown in exhibit "A" and "B", attached, for the following reasons:

1. Compliance with the Purpose of the Land Development Code by creating consistency and equitable standards under which current and future developments within all of the CBD Districts will be evaluated.
2. Compliance with the Goals and Policies of the General Plan by encouraging high density mixed-use developments that include commercial office, retail, residential, and entertainment activities in the Central Business District.

Staff also recommends that the proposed Proscenium Rezoning of approximately 12 acres be rezoned from the CBD-O (Central Business District - Office) and CBD-P (Central Business District - Parkway) to the CBD-A&C (Central Business District - Arts and Culture) District based upon the following findings:

1. The zone request is consistent with the mixed use recommendations that were established in the Sandy City Downtown Illustrative Master Plan.
2. The subject parcel and any associated development will have access to regional transportation facilities such as State Street, 10600 South Street, I-15, as well as light rail and a future commuter rail.
3. Rezoning this parcel will allow this area to have a zone that will encourage development that will enhance this area both visually and economically.

Chairman Cowdell opened the Public Hearing for Public comment [8:24:20 PM](#)

- a. **Chris Rasmussen**, 10109 Hatesberry Lane, asked if this code amendment would allow buildings of this height anywhere in the City. She is concerned that there could be a high rise building near her neighborhood.

Scott Cowdell reported that this amendment would possible only in this part of the City for any approved CBD zoning.

- b. **Eric White**, 600 N. 530 E. Orem, representing Sandy resident Brad McDonald 11000 S. 1000 E., said that he has talked to dozens of people who are excited about this project. He feels this is a great location for the size of project.

Chairman Cowdell closed the public hearing

Bryant Anderson asked what the time frame was for the 3 phases. [8:27:26 PM](#)

Curtis Wolthius, Proscenium project, reported that the three phases would be fall of 2011, 2013, 2015.

Stephen Smith said he has some concern with the height of the building. With respect to the ordinance he doesn't feel prepared to vote yes or no. With his prior issues, he has some questions regarding lot coverage and landscaping, and what constitutes a common area. [8:28:09 PM](#)

Brian McCuistion reported that in the regular CBD zone it talks about lot coverage, Lot coverage by buildings and covered or semi-enclosed outbuildings shall not exceed 40 percent. Coverage for both buildings and paved areas (parking, loading, and circulation) shall not exceed 90 percent, thereby reserving a minimum of 10 percent for landscaped areas after completion of any future expansion. That is currently allowed in any CBD zone. He said that this is more of an urban type project and staff is open to looking at varying features for landscaping. Staff envisions sidewalks, with trees in treewells, pots with plants, water features. In the new zones the Planning Commission could approve the 90 percent coverage if the project includes a number of other things.

Chris McCandless asked if the park areas on top of the structure qualify as open space coverage. He asked why the item regarding mechanical equipment was removed from the ordinance. He also asked if

the existing parking structure would be reconstructed within the first phase?

Brian McCuiston confirmed that, “yes”, the parks on the top of the structure would qualify as open space. The item regarding mechanical equipment was eliminated because it was already listed in the Code under the Commercial and Site Plan Review process.

Mike Coulam said that the first phase does include surface parking in the present dirt adjacent to the parking structure.

Dennis Tenney feels this is an extraordinary project. He clarified that the CBD-A&C zone is specific to this property. He feels this is the prime location for the size of this project. This is an opportunity to make Sandy a signature city. He supports the zone change and compliments the staff on their hard work.

[8:37:30 PM](#)

Steve Fairbanks asked what alternative hardscape material is. He would suggest replacing the word “must” with “may” on the item stating “building must meet LEED (Leadership in Energy and Environmental Design) standards of at least a silver status.”

Brian McCuiston said that an alternative hardscape material would be something other than grey concrete.

Mike Coulam said that they are not requiring them to get a LEED certificate just meet the standards of the LEED status.

Linda Saville is amazed that so few people have commented on the height of the building. She is worried about the height of the building and traffic it would create. [8:42:13 PM](#)

Bryant Anderson asked what the vehicular access would be for this project.

Russell Platt said you can get to the project from Sego Lilly Drive and Monroe Blvd., and also from Centennial Parkway at two different points.

Brian McCuiston reminded Chairman Cowdell that two motions were needed, one for the Code Amendment and the other for the rezone.

Motion: Chris McCandless made a motion to approve Procedures for Development in the CBD, CBD-O, and CBD-P Districts and create the CBD-A&C zone as presented and recommend by staff. Ordinances for a future meeting.

Second: Dennis Tenney

Vote: Smith – Yes, Anderson- Yes, Fairbanks- Yes, McCandless- Yes, Tenney- Yes, Saville- Yes, Cowdell- Yes

Motion Approved: All members voted yes.

Motion: Dennis Tenney made a motion to approve the guidelines and the establishment of the arts and culture zone as presented and recommend by staff.

Second: Bryant Anderson

Point of order:

Stephen Smith brought to attention that the second motion needs to apply the new zone to the property.

Amended motion:

Motion: Dennis Tenney made a motion to approve the guidelines and establishment and apply the new CBD-A&C zone to the proscenium property as presented and recommended by staff. Ordinances for a future meeting.

Second: Bryant Anderson

Vote: Tenney – Yes, Anderson – Yes, Fairbanks – Yes, McCandless – Yes, Saville – Yes, Smith – Yes, Cowdell – Yes.

Motion Approved: all members voted yes.

COUNCIL ITEMS(S):

6. Interlocal Agreement: UDOT/Sandy Bridget Projects [8:51:49 PM](#)

Resolution #08-53 C – authorizing the execution of an Interlocal Cooperation Agreement 07-8314 Modification #1 between the Utah Department of Transportation (UDOT) and Sandy City for reimbursement of preconstruction of engineering for the two bridges project in Sandy City.

Motion: Dennis Tenney made motion to adopt Resolution #08-53C authorizing the execution of an Interlocal Cooperation Agreement 07-8314 Modification #1 between the Utah Department of Transportation (UDOT) and Sandy City for reimbursement of preconstruction of engineering for two bridge projects in Sandy City.

Second: Chris McCandless

Vote: Anderson - Yes, Tenney- Yes, McCandless – Yes, Smith – Yes, Saville- Yes, Fairbanks- Yes, Cowdell – Yes

Motion Approved: All members voted yes.

MINUTES:

7. Approving the June 17, 2008, July 1, 2008, July 15, 2008, and the July 29, 2008 City Council Meeting Minutes.

Motion: Steve Smith made a motion to approve the June 17, 2008, July 1, 2008, July 15, 2008 and the July 29, 2008 City Council Meeting Minutes.

Second: Dennis Tenney

Vote: The Council voted in the affirmative to the motion.

All in Favor.

8. MAYOR'S REPORT [8:52:49 PM](#)

- a. Mayor Dolan reported that last week there was a meeting with the developer who is developing around the Trax station. This developer has done large projects all over the State of Utah.
- b. He reported that Sports Authority and Bed Bath and Beyond are going into the project sited near the old Walmart on State Street.

8. CAO'S REPORT [8:57:43 PM](#)

- a. Byron Jorgenson reported that he took a tour of the new Water Tank on Little Cottonwood Canyon Road and that the road should be opened around October 4th.
- b. He reported that Sandy City has the opportunity to work with UTA to get passes for all employees for \$46 a year. They are going to try and measure how much they are being used between now and December.

9. COUNCIL OFFICE DIRECTOR'S REPORT [9:00:33 PM](#)

- a. Phil Glenn reminded the Council of the Art Facility Tour to Durham, NC on September 14th - 16th. A new calendar was presented. The Council was reminded of the 1300 East Project announcement with Congressman Matheson.

10. OTHER COUNCIL BUSINESS

- a. Chris McCandless reported that a meeting was held with Snowbird and a number of Staff to start the process of creating the South Valley Cottonwood Canyons Tourism committee.
[9:02:17 PM](#)
- b. Stephen Smith advocated a revisit on the issues of interest list for the upcoming meetings.

He also pointed out that the main heading for the public hearing notification said nothing of the creation of the new zone district. He feels that more detail needs to be given in the public hearing headings. [9:03:18 PM](#)

- c. Scott Cowdell reported a meeting was held regarding the two Community Centers. They discussed and narrowed down the funding from nine (9) scenarios down to three (3). One idea was to move the Boys and Girls Club to Mt. Jordan Middle School and create a library in the old City Hall. [9:05:57 PM](#)

At approximately 9:10 p.m., Chris McCandless made a motion to adjourn Council Meeting, motion seconded by Steve Fairbanks.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Scott Cowdell
Council Chairman

Wendy Densley
Council Office Executive Secretary

Xm082608.min